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10/594,784	09/29/2006	Hideyuki Ono	121036-0096	7107

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EXAMINER
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RONESI, VICKEY M

ART UNIT	PAPER NUMBER
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1796

NOTIFICATION DATE	DELIVERY MODE
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11/10/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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***Attachment to Advisory Action***

While Examiner Reddy is on leave, Examiner Ronesi has considered the amendment filed on 9/22/2008 in her absence. The present application remains docketed to Examiner Reddy.

Applicant's response filed 9/22/2008 has been fully considered but is not persuasive.

Specifically, applicant argues (A) that Moriyama et al teaches away from using vulcanization accelerators other than guanidine; (B) that Hiramatsu et al fails to disclose carboxyl-group containing acrylic elastomer; and (C) that the thiazole-based compounds do not function as vulcanization promoters in the instant invention.

With respect to argument (A), the examiner agrees, however, Hiramatsu et al does not teach that thiazole-based compounds are vulcanization accelerators. Rather, Hiramatsu et al teaches thiazole-based compounds as crosslinking agents.

With respect to argument (B), the crosslinking agents taught by Hiramatsu et al react with the pendant double bonds of an elastomer. Given that Moriyama et al also teaches elastomers with pendant double bonds (col. 3, line 18), the thiazole-based crosslinking agents of Hiramatsu et al can and should be combined with the diene-containing elastomers taught by Moriyama et al. Case law holds that it is not necessary for this secondary reference to contain all the features of the presently claimed invention, *In re Nievelt*, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973), *In re Keller* 624 F.2d 413, 208 USPQ 871, 881 (CCPA 1981). Rather Hiramatsu et al teaches a certain concept, and in combination with the primary reference, discloses the presently claimed invention.

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With respect to argument (C), case law holds that the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). Therefore, it still would have been obvious to one of ordinary skill in the art to utilize the thiazole-based crosslinking agent of Hiramatsu et al in the composition taught by Moriyama et al.

10/27/2008

Vickey Ronesi

/V. R./

Examiner, Art Unit 1796

/Vasu Jagannathan/

Supervisory Patent Examiner, Art Unit 1796